REMARKS

1. **Claim Rejections – 35 U.S.C. § 103**

Claims 2 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,205,498 issued to Habusha et al. (hereinafter "Habusha"). ore addressing this rejection in detail, it should be noted that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP 2142.* To establish *prima facie* case of obviousness, certain criteria must be met. *First*, the prior art reference or references when combined must teach or suggest all the claim elements. *Second*, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. With the above requirements in mind, Applicants respectfully traverse this rejection per discussion below.

Regarding independent claim 2, Applicants respectfully submit that Habashu fails to teach or suggest at least one element of claim 2. For example, Habashu fails to teach or suggest the element regarding "*generating a first segment from said time-sensitive information if a sufficient quantity of said time-sensitive information is available for transmission, said first segment having a segment size between said minimum segment size and said maximum segment size.*" Before doing so, claim 2 specifies that minimum and maximum segment sizes are defined so that the generated first segment has a segment size between the defined minimum and maximum segment sizes.

Turning to Habashu, it generally directs to "*the coordination of message transfer in a session established between two nodes.*" *Column 4, lines 58-60.* Regarding such coordination, a first node specifies its window size to a second node. The window size is set by the first node according to its available resources so that it will not **receive** more message packets from the second node than it can properly handle. *Column 7, lines 50-55.*

In the Office Action, the Examiner alleges that the window size is similar to the segment size. *Page 2, paragraph 2.* Such allegation is not correct. More specifically, the window size of Habashu is associated with **information to be received.** In contrast, the segment size specified in claim 2 is associated with **information to be transmitted.** More specifically, claim 1 specifies that the first segment is generated if there is enough information to be transmitted. Accordingly, Habashu fails to teach or suggest [a] defining minimum and maximum segment

sizes and [b] generating a first segment having a segment size between the minimum and maximum segment sizes.

Based on the above discussion, claim 2 should be non-obvious and patentably distinguishable over the cited prior art reference, which fails to teach or suggest all the claim elements as discussed above.

Regarding independent claims 12-14, each of them comprises at least one element that is similar to at least one element of claim 2, which is believed to be patentable. Accordingly, claims 12-14 should be non-obvious and patentably distinguishable over the cited prior art reference for reasons similar to those discussed above regarding claim 2.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,359,877 issued to Rathonyi et al. (hereinafter "Rathonyi") in view of Habusha.

Regarding independent claim 4, it contains at least one element that is similar to at least one element of claim 2, which is believed to be patentable. Accordingly, claim 4 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 2.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rathonyi in view Habusha and in further view of U.S. Patent No. 5,515,375 issued to DeClerck.

Regarding claim 5, it depends from independent claim 4, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03.*

CONCLUSION

Claims 2, 4-5 and 12-14 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on December 28, 2005 has been addressed on the basis of the above remarks. Applicants believe all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicants' attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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